

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OHIO
EASTERN DIVISION

LEON WILSON)

PLAINTIFF,)

VS.)

CITY OF AKRON,)

DAN HORRIGAN IN ; Judge; Hon. Judge Adams
HIS OFFICIAL CAPACITY)

AS MAYOR OF AKRON,) MAG: Judge Burke

AND VITO SINOPOLI,)

IN HIS OFFICIAL CAPACITY)

AS Chief of Police)

For the Bath Township)

Police Dept.,)

Defendants);

AMENDED COMPLAINT

1. The City of Akron has enacted an
ANTI-PANHANDLING ORDINANCE ENTITLED
DISTRIBUTION IN THE RIGHT OF WAY WHICH
RESTRICTS AND CRIMINALIZES THE PLAINTIFF
RIGHTS TO EXPRESS HIMSELF AND HIS NEED
TO OTHERS. PLAINTIFF ASKS THIS COURT
TO PROVIDE HIM redress FROM THIS
ORDINANCE THAT IS UNCONSTITUTIONAL
AND LIMITS HIS Free SPEECH ON THE BASIS OF

(2)

ITS' CONTENT.

JURISDICTION

2. This COURT HAS JURISDICTION OVER THIS MATTER PURSUANT TO ARTICLE III OF THE CONSTITUTION OF THE UNITED STATES AND 28 U.S.C. 1331 AND 1343(3) AND (4). The relief SOUGHT IS AUTHORIZED by the CONSTITUTION OF THE UNITED STATES, 42 U.S.C. 1983 AND OTHER LAW.

3.

VENUE

3. This COURT IS AN APPROPRIATE VENUE FOR THIS CAUSE OF ACTION PURSUANT TO 28 U.S.C. 1331(b) AND (b)(2). THE ACTIONS GIVING RISE TO THIS SUIT TOOK PLACE IN THIS JUDICIAL DISTRICT. DEFENDANT CITY OF AKRON IS LOCATED WITHIN THIS JUDICIAL DISTRICT AND DEFENDANTS MAYOR HORRIGAN AND CHIEF SINOPOLI SUED IN THEIR OFFICIAL CAPACITY WORK IN THIS JUDICIAL DISTRICT.

(3)

PARTIES

4. PLAINTIFF LEON WILSON HAS BEEN SOLICITING IMMEDIATE DONATIONS FROM MOTORISTS BY HOLDING A SIGN "(PANHANDLING)" AND ASKING FOR HELP FOR YEARS IN THE BATH TOWNSHIP COMMUNITY TO HELP SUPPORT HIMSELF, (2) CHILDREN AND WIFE. PLAINTIFF IS CURRENTLY UNEMPLOYED, DISABLE AND RECEIVES SOCIAL SECURITY. AS A RESULT OF PLAINTIFF FINANCIAL SITUATION AND LIMITED INCOME, PLAINTIFF HOLDS A SIGN IN THE BATH TOWNSHIP COMMUNITY DAILY AND ASK FOR HELP FROM MOTORISTS TO BETTER SUPPORT HIMSELF AND FAMILY. PLAINTIFF LEON WILSON, IS THE PLAINTIFF IN THIS CAUSE AND IS LOCATED AT 788 YALE STREET AKRON, OHIO 44311, PHONE: 330-329-1465.

4.

Defendants

5. Defendant CITY OF AKRON
is a MUNICIPAL CORPORATION
Located at 166 SOUTH HIGH ST.
AKRON, OHIO 44308, Phone: 330-375-2345

6. Defendant DAN HORRIGAN is
The MAYOR OF THE CITY OF AKRON.
As MAYOR, HORRIGAN is the
EXECUTIVE Head OF THE CITY OF
AKRON, Located at 166 South
high street, AKRON, OHIO 44308
Phone: 330-375-2345.

7. Defendant VITO SINOPOLI IS
the chief OF Police FOR THE BATH
TOWNSHIP Police DEPT. As chief OF
Police, SINOPOLI oversees the
ACTIVITIES OF THE BATH TOWNSHIP
Police DEPT, Located at 3864 W.
BATH Road, AKRON, OHIO 44333.
Phone: 330-666-3736.

FACTS

8). ON or about December 11, 2018,
defendant "CITY OF AKRON"
ENACTED a NEW ANIT-PANhandling
ORDIANCE ENTITLED DISTRIBUTION
IN THE RIGHT OF WAY; FOR ALL
SUMMIT COUNTY TOWNSHIPS
ONLY, INCLUDING BATH TOWNSHIP
COMMUNITY WHICH MAKES
ACCEPTING OR RECEIVING
DONATIONS WHEN HOLDING A
SIGN AND ASKING FOR HELP
FROM MOTORISTS IN THE RIGHT
OF WAY IS A CRIME AND
PUNISHABLE AS A 4TH DEGREE
MISDEMEANOR FOR THE FIRST
VIOLATION.

STATEMENT OF CLAIM

9. ON or about December 13, 2018 while PLAINTIFF WAS holding a "SIGN" ASKING FOR HELP FROM MOTORISTS ON Cleveland-Massillon Road IN THE BATH TOWNSHIP COMMUNITY, Bath township Police OFFicer CAR #18, APPROACHED PLAINTIFF AND INFORMED PLAINTIFF THAT HE COULD NO LONGER RECEIVE OR ACCEPT GIFTS OR DONATIONS FROM MOTORISTS IN THE RIGHT OF WAY Under the New CITY OF AKRON ordinance, AND that PLAINTIFF Could be cited a TICKET, arrested, OR TAKEN TO JAIL under the new ordinance. The BATH TOWNSHIP OFFICER THEN TOLD PLAINTIFF HE HAD TO LEAVE, AND PROCEEDED TO PULL HIS CRUISER IN FRONT OF PLAINTIFF TO PREVENT MOTORISTS GIVING PLAINTIFF ANY DONATIONS.

10. ON or about December 19, 2018 defendant chief SINOPOLI APPROACHED PLAINTIFF WHILE HE WAS HOLDING A "SIGN" ASKING FOR HELP ON CLEVELAND-MASSILLION Road IN THE BATH TOWNSHIP COMMUNITY AND ORDERED PLAINTIFF TO LEAVE AND NEVER RETURN TO BATH TOWNSHIP. defendant SINOPOLI INFORMED PLAINTIFF THAT PANHANDLING IN THE RIGHT OF WAY AND ACCEPTING GIFTS OR DONATIONS FROM MOTORISTS WAS UNLAWFUL AND NOWA CRIME under the New Ordinance AND that he could HAVE ME ARRESTED AND TAKEN TO JAIL. PLAINTIFF INFORMED defendant SINOPOLI THAT UNDER THE U.S. CONSTITUTION He HAD A FIRST Amendment RIGHT OF FREE SPEECH. defendant SINOPOLI THEN ORDERED HIS OFFICERS TO PULL THEIR CRUISERS IN FRONT OF TRAFFIC TO PREVENT MOTORISTS FROM GIVING PLAINTIFF DONATIONS.

CAUSES OF ACTION

COUNT ONE

CONSTITUTIONAL CIVIL RIGHTS

PURSUANT TO 42 U.S.C. § 1983

VIOLATION OF FIRST Amendment
AND OHIO CONSTITUTION

(AGAINST ALL DEFENDANTS)

11. SPEECH THAT COMMUNICATES A NEED, ASKS FOR HELP AND OR REQUESTS CHARITY IS FULLY PROTECTED FREE SPEECH UNDER THE UNITED STATES AND OHIO CONSTITUTION.

12. THE CITY OF AKRON'S NEW "ANTI-PANHANDLING" ORDINANCE ENTITLED DISTRIBUTION IN THE RIGHT OF WAY HAS HARMED AND CONTINUES TO HARM PLAINTIFF BY INTERFERING WITH HIS ABILITY TO FREELY COMMUNICATE HIS NEEDS TO THE BATH TOWNSHIP COMMUNITY.

13. The UNCONSTITUTIONAL RESTRICTIONS OF THE CITY OF AKRON'S NEW ORDINANCE HAVE INJURED PLAINTIFF AND CAUSED HIM TO SUFFER UNDUE FINANCIAL HARDSHIP FOR HIMSELF AND FAMILY MAKING PLAINTIFF ENTITLED TO RELIEF UNDER FEDERAL AND STATE LAW.

14. The UNCONSTITUTIONAL RESTRICTIONS OF THE CITY OF AKRON'S NEW ORDINANCE HAS CAUSED AND WILL CONTINUE TO CAUSE "IRREPARABLE" HARM TO PLAINTIFF'S RIGHTS.

PRAYER FOR RELIEF

15. PLAINTIFF respectfully moves THIS Honorable COURT TO ENTER JUDGEMENT AGAINST defendants CITY OF AKRON, MAYOR TORRIGAN, AND CHIEF SINOPOLI FOR THE FOLLOWING RELIEF;

A). DAMAGES IN WHATEVER AMOUNT PLAINTIFF IS ENTITLED TO;

B). Declaratory Relief;

(1) INJUNCTIVE RELIEF;

C). (2) PUNITIVE DAMAGES;

D). COST OF THIS LITIGATION;

E). SUCH OTHER AND FURTHER RELIEF AS THE COURT DEEMS APPROPRIATE.

PLAINTIFF SO PRAYS.
Leon Wilson

LEON WILSON, PRO SE
 788 YALE STREET

AKRON OHIO 44311, PHONE
 330-329-1

DATE: 1-1-1